

April 14, 1976

Mr. Barry M. Sweedler
Deputy Director
Bureau of Surface
Transportation Safety
National Transportation
Safety Board
Washington, D.C. 20594

Dear Mr. Sweedler:

In your letter of March 15, 1976, you ask whether the line marking requirements of Section 192.707(a) apply where a one-call notification system is in effect voluntarily but not "established by law."

The exception in Section 192.707(b)(1)(ii) regarding placement of markers in Class 3 and Class 4 locations applies where a damage prevention program is "established by law." Where a voluntary program is in effect and not established by law, unless one of the other exceptions in Section 192.707(b)(1) and (2) applies and in the absence of a waiver, an operator must install line markers as required by Section 192.707(a).

We suggest that operators in areas with effective voluntary programs encourage the appropriate State or local jurisdictions to enact the programs as law.

Sincerely,

Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations

March 15, 1976

Mr. Cesar DeLeon
Acting Director
Office of Pipeline Safety Operations
Materials Transportation Bureau
2100 Second Street, S.W.

Washington, D.C. 20590

Dear Cesar:

I have received a number of inquiries concerning the standards recently promulgated for Line markers for mains and transmission lines. Under Part 192.707(b), Exceptions for buried pipelines, the standards states: "Line markers are not required for buried mains and transmission lines -- (1) In Class III or Class IV locations -- (ii) where a program for preventing interference with underground pipelines is established by law; . . ."

I was wondering what your interpretation would be of this requirement for situations where programs do exist but are not technically "established by law." For example, there are quite a few one-call notification systems in effect throughout the country that are not established by law. The systems operating in the Northwest in Oregon and Washington are prime examples. In addition, the systems operating in Houston, Texas, and in the northern part of California, also fall into this category. I am wondering what the pipeline operators who operate in these areas would be required to do under the standard cited above concerning their line marking practices.

The situation that exists in the Washington, D.C. metropolitan area also is quite confusing. The Washington Gas Light Company which operates in Maryland, Virginia, and the District of Columbia, participates in a one-call system in the States of Maryland and northern Virginia. However, since the system does not operate in the District of Columbia, its lines in that jurisdiction are not covered by one-call systems. In addition, the State of Maryland and certain local jurisdictions in Virginia sanction the one-call system by law, but other areas in Virginia in which WGL operates, are not so sanctioned. It is noted that the one-cell program is proving to be quite effective in both those jurisdictions sanctioned and not so sanctioned by law.

Would you please indicate your interpretation of these standards concerning the requirements of pipeline operators operating under the conditions which I have described.

Sincerely yours,

Barry M. Sweedler
Deputy Director
Bureau of Surface Transportation
Safety